IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

Janice Childs, # 306629,) C/A No. 0:05-1814-CMC-BM
Plaintiff,))
v.) OPINION AND ORDER
Department of Corrections; Dr. Rafi; and Nursing Staff,)))
Camille Griffin Graham Corr. Inst.,)
Defendants.)))

This is a *pro se* civil action filed by an inmate incarcerated at the Camille Griffin Graham Correctional Institution of the South Carolina Department of Corrections. Plaintiff alleges she was denied proper medical treatment for a spider bite. In accordance with the court's order of reference, 28 U.S.C. § 636(b), and Local Rule 73.02 (B)(2)(b) and (d), DSC, this matter was referred to United States Magistrate Judge Bristow Marchant for pre-trial proceedings and a Report and Recommendation. On June 30, 2005, the Magistrate Judge issued a Report recommending that the complaint be dismissed without prejudice and without service of process. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if she failed to do so. Plaintiff has filed no objections and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the

0:05-cv-01814-CMC Date Filed 08/17/05 Entry Number 6 Page 2 of 2

recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

The court has reviewed the record and the Report and Recommendation of the Magistrate Judge. The court agrees with the recommendation of the Magistrate Judge and hereby adopts the Report and Recommendation and incorporates it into this order. Accordingly, it is hereby

ORDERED that this action is *dismissed without prejudice and without issuance and service of process*.

IT IS SO ORDERED.

s/ Cameron McGowan Currie CAMERON MCGOWAN CURRIE UNITED STATES DISTRICT JUDGE

Columbia, South Carolina August 17, 2005

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